

Practitioner's Docket No.: WBW-13116

CHAPTER II

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



MICHAEL BURNS

**TRANSMITTAL LETTER  
TO THE UNITED STATES ELECTED OFFICE (EO/US)  
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)**

INTERNATIONAL APPLICATION NO. PCT/AT2003/000362	INTERNATIONAL FILING DATE 5 December 2003	PRIORITY DATE 5 December 2002
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TITLE OF INVENTION

IMPLANT CONTAINING CULTURED CARTILAGE CELLS, METHOD FOR PRODUCING IT  
AND APPLICATION OF SUCH AN IMPLANT

APPLICANT  
WINKLER, Heinz

**Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: EO/US**

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
  - a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
  - b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

## 2. Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
[ ]*  The following fees are submitted**        SMALL ENTITY	TOTAL CLAIMS	26 - 20 =	6	x \$ 50.00	\$ 300.00
	INDEPENDENT CLAIMS	2 - 3 =	0	x \$ 200.00 =	\$ 0.00
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00				\$ 0.00
	(a) Basic national fee \$300.00				\$ 300.00
	(b) Examination fee \$200.00				\$ 200.00
	(c) Search fee \$500.00				\$ 500.00
	Total of Above Calculations				= \$ 1,300.00
	Reduction by ½ for filing by small entity, if applicable. Affidavit must be filed. (note 37 CFR 1.9, 1.27, 1.28)				- \$ 650.00
	Subtotal				\$ 650.00
	Total National Fee				\$ 650.00
	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$ 0.00
	Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				\$ 0.00
TOTAL	Total Fees enclosed				\$ 650.00

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\*See attached Preliminary Amendment Reducing the Number of Claims.

- i. ☒ Payment in the amount of \$650.00 to cover the above fees is enclosed.
- ii. ☒ Please charge Account No. 12-1099 for any fees which might be due while this application is pending.
- A duplicate copy of this sheet is enclosed.
3. ☒ A copy of the International application as filed (35 U.S.C. 371(c)(2)):
- a. ☒ is transmitted herewith.
- b. ☐ is not required, as the application was filed with the United States Receiving Office.
- c. ☐ has been transmitted
- i. ☐ by the International Bureau.  
Date of mailing of the application (from form PCT/IB/308): \_\_\_\_\_.
- ii. ☐ by applicant on \_\_\_\_\_.  
Date
4. ☒ A translation of the International application into the English language (35 U.S.C. 371(c)(2)):
- a. ☒ is transmitted herewith.
- b. ☐ is not required as the application was filed in English.
- c. ☐ was previously transmitted by applicant on \_\_\_\_\_.  
Date
- d. ☐ will follow.
5. ☐ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):
- a. ☐ are transmitted herewith.
- b. ☐ have been transmitted
- i. ☐ by the International Bureau.  
Date of mailing of the amendment (from form PCT/IB/308): \_\_\_\_\_.
- ii. ☐ by applicant on \_\_\_\_\_.  
Date
- c. ☐ have not been transmitted as
- i. ☐ applicant chose not to make amendments under PCT Article 19.  
Date of mailing of Search Report (from form PCT/ISA/210): \_\_\_\_\_.
- ii. ☐ the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6. ☐ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):
- a. ☐ is transmitted herewith.
- b. ☐ is not required as the amendments were made in the English language.
- c. ☐ has not been transmitted for reasons indicated at point 5(c) above.

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7. ☐ A copy of the international examination report (PCT/IPEA/409)  
☐ is transmitted herewith.  
☐ is not required as the application was filed with the United States Receiving Office.
8. ☐ Annex(es) to the international preliminary examination report  
a. ☐ is/are transmitted herewith.  
b. ☐ is/are not required as the application was filed with the United States Receiving Office.
9. ☐ A translation of the annexes to the international preliminary examination report  
a. ☐ is transmitted herewith.  
b. ☐ is not required as the annexes are in the English language.
10. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115  
a. ☐ was previously submitted by applicant on \_\_\_\_\_.  
Date  
b. ☒ is submitted herewith, and such oath or declaration  
i. ☒ is attached to the application.  
ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.  
iii. ☐ will follow.

Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):  
a. ☒ is transmitted herewith.  
b. ☐ has been transmitted by the International Bureau.  
Date of mailing (from form PCT/IB/308): \_\_\_\_\_.  
c. ☐ is not required, as the application was searched by the United States International Searching Authority.  
d. ☐ will be transmitted promptly upon request.  
e. ☐ has been submitted by applicant on \_\_\_\_\_.  
Date
12. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98:  
a. ☐ is transmitted herewith.  
Also transmitted herewith is/are:  
☐ Form PTO-1449 (PTO/SB/08A and 08B).  
☐ Copies of citations listed.  
b. ☐ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).  
c. ☐ was previously submitted by applicant on \_\_\_\_\_.  
Date

13. ☐ An assignment document is transmitted herewith for recording.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT)  
ACCOMPANYING NEW PATENT  
APPLICATION" or ☐ FORM PTO 1595 is also  
attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. ☒ Additional documents:  
a. ☐ Copy of request (PCT/RO/101)  
b. ☒ International Publication No. WO 2004/050135 A1  
i. ☒ Specification, claims and drawing  
ii. ☐ Front page only  
c. ☒ Preliminary amendment (37 C.F.R. § 1.121)  
d. ☐ Other

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. ☒ The above checked items are being transmitted  
a. ☒ before 30 months from any claimed priority date.  
b. ☐ after 30 months.



SIGNATURE OF PRACTITIONER

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Docket No.: WBW-13116

CERTIFICATION

I, the below named translator, hereby declare that: my name and post office address are as stated below; that I am knowledgeable in the English and German languages, and that I believe that the attached text is a true and complete translation of the International Patent Application PCT/AT2003/000362, filed 5 December 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hollywood, Florida



Karola Franco

June 6, 2005

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